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**FROM:** Charles B. Cappellari  
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**TO:** Examiner: Schmidt, M.  
Group 1635

**U.S. Patent & Trademark Office**  
Facsimile No. (703) 872-9306

Number of pages (including this cover page): 3

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In re Patent Application of:	)	Group Art Unit: 1635
BECKER et al.	)	Examiner: Schmidt, M.
Serial No. 09/808,558	)	Atty. Docket No. GP068-05.CN3
Filed: March 14, 2001	)	Confirmation No. 3920
Title: MODIFIED OLIGONUCLEOTIDES	)	Date: October 1, 2002
AND METHODS FOR DETERMINING	)	
THE PRESENCE OF A NUCLEIC	)	
ACID ANALYTE IN A SAMPLE	)	

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Transmitted herewith:

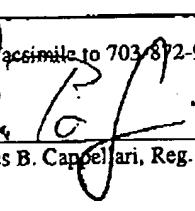
**Response to Election Requirement (2 pgs.)**

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**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence (and any referred to as attached) is being sent by facsimile to 703-872-9306 on the date indicated below to the Commissioner for Patents, Washington, D.C. 20231.

Date: October 1, 2002

By:   
Charles B. Cappellari, Reg. No. 40,937

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: ) Group Art Unit: 1635  
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BECKER *et al.*            ) Examiner: Schmidt, M.  
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Serial No. 09/808,558        ) Atty. Docket No. GP068-05.CN3  
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Filed: March 14, 2001        ) Confirmation No. 3920  
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For: MODIFIED OLIGONUCLEOTIDES ) VIA FACSIMILE  
      AND METHODS FOR DETERMINING )  
      THE PRESENCE OF A NUCLEIC )  
      ACID ANALYTE IN A SAMPLE   )

**RESPONSE TO ELECTION REQUIREMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In an Office Action mailed on September 25, 2002, the Examiner concluded that claims 422-463 of the above-captioned application are generic to a plurality of patentably distinct species comprising oligonucleotides having different species of 2'-O-alkyl substitutions to the ribofuranosyl moiety of at least one ribonucleotide contained in the oligonucleotides. In response to the Examiner's election of species requirement, Applicants hereby elect the 2'-O-methyl substitution species disclosed in the specification *passim* and recited in pending claims 440 and 463.

No fee is believed due in connection with this Response. If Applicants are mistaken, please charge the amount due to Deposit Account 07-0835 in the name of Gen-Probe Incorporated.

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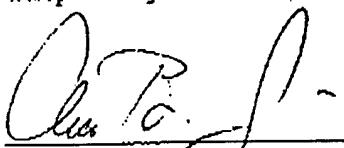
RESPONSE

Serial No. 09/808,558  
Atty. Docket No. GP068-05.CN3

Certificate of Transmission

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being sent by facsimile to 703-872-9306 on the date indicated below to the Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,



By:

Charles B. Cappellari  
Registration No. 40,937  
Attorney for Applicants

Dated: October 1, 2002

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